

**FILED**

Nov 02, 2022

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**RECEIVED**

Thomas C. Shrader

Reg. No. 08691-088

Fed. Correctional Institution

P.O. Box 9 - Unit A-1

Mendota, California 93640

NOV 02 2022

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIABY \_\_\_\_\_  
DEPUTY CLERKUNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIAThomas C. Shrader,  
Plaintiff / Petitioner

Case No. 1:22-cv-01413-HBK(HC)

vs.

M. Arviza, Warden - FCI Mendota,  
Defendant / Respondent.RE: 28 U.S.C. §1361  
Pro SeImmediate Emergency Writ Of Mandamus  
Due To Exigent Circumstances

Comes now Plaintiff/Petitioner, "Thomas C. Shrader," hereinafter known as Shrader and states due to exigent circumstances Shrader does not have the option to file and exhaust administrative remedies. As this Honorable court shall be able to ascertain from the facts stated herein.

The "gist" of this, when fully expressed is, Warden M. Arviza at F.C.I. Mendota with her lack of common sense and tyrannized memorandum for the inmate population has and is putting inmates and staff lives in serious danger of death or injury! (Emphasis Added)

Shrader brings this to the courts immediate attention to make this court aware of what is transpiring and happening in an effort to avoid conflict and harm and giving this Honorable court the opportunity to intercede immediate before anything can escalate in violence.

Shrader files this; "Immediate Emergency Writ Of Mandamus Due To Exigent Circumstances" by invoking Title 28 U.S.C. §1361; "Action To Compel An

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Officer of the United States to Perform Their Duty", pursuant to 502 F.2d at 1206.

A full reading of Exhibit "A" and Exhibit "B" shall show and prove Warden Arviza is NOT performing her duty and is in fact putting the lives of inmates and institutional staff at serious risk!; (Due Process challenge to regulations governing prison discipline) *Workman v. Mitchell*, 502 F.2d 1201 (9th Cir. 1974).

Warden Arviza, per her August 31, 2022 "Memorandum For: Inmate Population" is putting pressure on ALL of the inmates to be "Correctional Officers" or function as equivalent to that of a C.O.. (See and Read Exhibit "A").

In which, if an inmate is caught with or using "illicit drugs" the "whole unit" that said inmate lived in will be punished with The loss of Full privileges. Listed as;

#1. Monthly Commissary Spending Limit will be reduced to \$50.00; (Normal is \$360.00 a month);

#2. Inmate Telephone Privileges will be reduced to two (2), five (5) minute telephone calls per day; (Normal 500 minutes a month to be used at inmates pleasure);

#3. Inmate e-mails will be reduced to 5 emails per day.

With These restrictions being reevaluated on a 30 day basis on any Unit said sanctions are imposed upon.

### Facts Of An Incident

On October 25, 2022 an inmate was wheeled out of Unit A-1 in a Security Chair and taken to the Special Housing Unit (SHU). Our Unit was suppose to have gone to Commissary that day. (We use to go ever week but now its only once every two weeks - so it had been two weeks since we'd had commissary).

Later that Day the Warden posted another "Memorandum For Inmate Population", (See Exhibit "B") In which she activated her Memorandum of August 31, 2022, on Unit A-1.

The inmate (accused inmate) who was alledged to be under the influence of an illicit drugs had previous write-ups for drugs and

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had in fact just recently been released from the SHU. With the Warden and her administration being aware of this inmates drug history she set Unit A-1 up to be an example of her August 31, 2022 policy.

This unit (A-1) has (95) inmates housed in it. They Allowed us to go to the Commissary on October 26, 2022. However The Warden pulled a "fast one" and was dishonest. In addition to The Warden or by her staff under her, violated Federal Law and falsified The Commissary Account Records and in my opinion "stole" money and/or deprived me of The use of my funds!

Please look at Exhibit "C" which shows a "Spending Limit Balance of Two Hundred Eighty Eight Dollars and ten cents (\$288.10) on October 11, 2022. However on October 26, 2022 my Spending limit Balance was Zero Dollars and Zero Cents (\$0.00) as shown by Exhibit "D".

I inquired of the guard cashier what was going on and was informed I had already spent my Fifty Dollar (\$50.00) limit for the month.

I had to return to a Unit of very upset and MAD Men in which The Warden had set The inmate's computers to Five (5) emails "a MONTH" and not Five (5) emails a day per her 8/31/22 and 10/25/22 Memorandum.

UPDATE: While composing this around 7:00 PM they called a lock-down due to a shortage of Correctional Officers. Before we were actually put in our cells. I heard guards were staying away out of fear of being here when something jumps off. Today's date is October 30, 2022. I could not get this out any sooner as I need copies of Exhibit's "A and B" as proof to this court and inmates cannot print them out. Staff was concerned enough to see that some of us did get them who would follow through in an effort to avoid trouble and get this stopped.

### Constitutional Violations

There is no argument to this, All (95) of the inmates are in the same boat I am. But this is my filing not theirs and the

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Warden has violated my Fifth and Sixth Amendment rights to The Constitution of The United States.

As the Warden she is an "officer" under the Department Of Justice and The Federal Bureau of Prisons, and under 5 USC § 3331 took an Oath to office.

The Warden's duty is to provide for and make The facility they are Warden over safe. This Warden's actions are to the contrary, and lacking in her ministerial duties.

Prior to This Warden The other Wardens This said facility has had faced The "same" drug problem and they handled it on a one to one basis with no staff to writers Knowledge ever being harmed due to illicit drugs. *Tarrett v Resor*, 426 F.2d 213, 216 (9th Cir. 1970); *Wilbur v. United States ex rel. Kadrie*, 281 U.S. 206, 218-19, 50 S.Ct. 320 (1930).

The Warden pursuant to her October 25, 2022 Memorandum is punishing me for the "acts" of someone else! I am an innocent person. Yet I am being punished without DUE PROCESS OF LAW in violation of my due process rights contained in The Fifth Amendment to The Constitution Of The United States.

Per Bureau of Prison Policy and F.C.I. Mendota inmate Handbook if I "as an inmate" violate any rules, I am in violation of and will be "given" an incident report "write-up" informing me of what "rule" I violate and will be afforded a hearing where I can call witnesses. Then judged guilty or not guilty and receive loss of privileges etc.

Pursuant to Warden Arviza's October 25, 2022 none of this happened! First - I did not violate any rules, to lose any of my privileges; Second - I never received any hearing or review before a institutional Judge(s); Third - I was arbitrarily found guilty and am being punished. Mandamus compels compliance to due process. See, *Knuckles v. Weinberger*, 511 F.2d 1221 (9th Cir. 1975).

### Relief

I ask that this Court issue an immediate ORDER in the form of Mandamus Ordering Warden Arviza to immediately rescind her Memorandum Order's of October 25, 2022 affecting Unit A-1 and to rescind her Memorandum of August 31, 2022. Second, Shradar hereby request this



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court to be aware (as this court well knows) retribution is taken out on the filer of a Petition such as this by the Defendant or the Defendant's staff, with harassment, being set up, and with false accusation, or shake downs of the inmates cell.

Therefore, Shrader request a warning by this court in its Order (if Granted and Issued) to the Warden and her Staff that the court will not take kindly to any repercussion by staff or The Warden herself for this filing, on said inmate or the inmates of A-1 Unit.

Shrader, further request if this court thinks or believes it feasible to ORDER a full and complete investigate of any B.O.P. employee's involved with these unconstitutional practice. Which is and has put innocent inmates and staff in danger.

As inmates are not Correctional Officers to "Police" other inmates or their actions. Per Exhibit "A and B" clearly read the Warden's expectation of inmates to police other inmates.

Which sets up a situation where, if an inmate in a Unit is a drug addict and he won't stop doing drugs then the Warden's Threat of Aug. 31, 2022 will be enforced, which she did enforce on October 25, 2022. So now, inmates are expected to attack and beat up an inmate doing drugs to stop it in there unit.

This will cause a "race riot", say for instance it's a black inmate, or white inmate, or mexican inmate that's doing the drugs in a Unit and he won't stop or give them up and he gets beat up. Then his "card" (his race) is going after the attacker(s), and All hell is going to break loose.

Therefore, Shrader request this ORDER as requested be issued immediately and served on Warden Arvizu by U.S. Marshal's in person immediately.

This 1st day of November 2022.

Respectfully Submitted,

Thomas C. Shrader

Thomas C. Shrader

Reg. No. 08691-088



U.S. Department of Justice  
Federal Bureau of Prisons  
Federal Correctional Institution  
Mendota, California 93640

August 31, 2022

MEMORANDUM FOR: INMATE POPULATION

FROM: M. ARVIZA

SUBJECT: ILLICIT DRUG USE

This memorandum is being formulated to advise the inmate population that possession, distribution or use of Spice, K2, Methamphetamine and other illicit drugs will not be tolerated and you will be held responsible. Spice, K2, Methamphetamine and other illicit drug use pose a serious threat to the security and orderly running of this institution. In addition, drugs such as Spice, K2 and Methamphetamine are considered to be very dangerous substances that can result in serious and possibly deadly consequences. Use of Spice, K2 and Methamphetamine can lead to death, kidney failure, heart attacks and long term damage to mental health. Until further notice, the following measures will be in place for housing units that experience drug related incidents.

- Monthly Commissary Spending Limit will be reduced to \$50.00
- Inmate Telephone Privileges will be reduced to two (2), five (5) minute telephone calls per day
- Inmate e-mails will be reduced to 5 emails per day

The above restrictions will be reevaluated on a 30 days basis. If during the 30 day period there are no incidents involving inmate drug use, the limits will be increased. Every incident involving inmate drug use will reset the 30 day time frame and may result in further reduced limits.

We have a Zero tolerance policy for illicit drug use; therefore, inmates found in possession of Spice, K2, Methamphetamine or any other illegal substance will be referred for prosecution.

Exhibit  
"A"



U.S. Department of Justice

Federal Bureau of Prisons

FCI Mendota

Office of the Warden

Mendota, California 93640

October 25, 2022

MEMORANDUM FOR INMATE POPULATION

FROM:

*M. Arviza*  
M. Arviza, Warden

SUBJECT:

Illicit Drug Use

In accordance with the Illicit Drug Use memorandum originally issued to the inmate population on August 31, 2022. The following restrictions will be implemented for the unit in which the incidents occurred. In the month of October, there have been numerous incidents of illicit drug use in unit A-1.

Until further notice, the following measures will be in place for this unit.

- \* Monthly Commissary Spending Limit will be reduced to \$50.00
- \* Inmate Telephone Privileges will be reduced to 2, 5 minute telephone calls per day
- \* Inmate e-mails will be reduced to 5 e-mails per day

Moving forward the above limitations will be reevaluated on a monthly basis. If during the 30 day period there are no incidents involving inmate drug use. The limits will be increased. Every incident involving inmate drug use will reset the 30 day time frame and may result in further reduced limits.

***We have a Zero tolerance policy for illicit drug use; therefore, inmates found in possession of Spice, K2 or any other illegal substance will be referred for prosecution.***

*Exhibit*  
*"B"*

Sales Invoice ---S.B.U.---  
 Mendota FCI  
 MAIN  
 Account No. 08691088 TF63118  
 SHRADER, THOMAS CREIGHTO  
 10/11/2022 07:07:06 AM TX#2075086 9

BEGINNING BALANCES:  
 Available Balance is \$400.50  
 Spending Limit Balance is \$340.00  
 Account Balance is \$400.50

Qty	Description	Price
2	TORTILLA CHIPS	\$5.70
3	MACKEREL WHOLE FI	\$5.25
3	MACKEREL (24PC)	\$3.90
3	JALAPENO MACKEREL	\$4.50
4	CHILI, NO BEANS (	\$11.70
2	COFFEE, KEEFE COL	\$8.50
2	COFFEE, BOSTONS B	\$4.90
6	HERSHEYS W/ALMOND	\$6.90
2	CREAMER, PARAMOUN	\$3.00
1	"AAA" BATTERIES,	\$1.50
1	"AAA" BATTERIES,	\$1.50
5	SOUP, THAI NOODLE	\$6.50
1	LEMON JUICE 24/CS	\$0.85
1	RAZOR, BIC SENSIT	\$2.45
1	TOOTHBRUSH, CLGT	\$0.80
1	MIX, WATERMELON 1	\$1.50
1	CEREAL, ROLLED OA	\$2.80
5	SOUP, THAI NOODLE	(\$6.50)
5	SOUP, TR CHILI (2	\$2.75
1	ICE CREAM, M&M VA	\$1.70
1	ICE CREAM, M&M VA	\$1.70

Total \$71.90

Charge 08691088 \$71.90

Items marked with \* are Local Use Only

ENDING BALANCES:  
 Available Balance is \$328.60  
 Spending Limit Balance is \$288.10  
 Account Balance is \$328.60

Fingerprint Verified

Signature

ALL SALES FINAL- NO REFUNDS, NO EXCHANGE  
 S.

\$288.10

qs of 10/11/2022

Exhibit  
 "C"



ACCOUNT No. 08691088

01/01/01 Time 00:00:00

TX ID 2080053

Receipt#

**BEGINNING BALANCES:**

Available Balance is N/A

Spending Limit Balance is N/A

Account Balance is \$0.00

*False*

QTY	DESCRIPTION	PRICE
0		\$0.00
# ITEMS SOLD: 0		
	CHARGE 08691088	\$0.00

**ENDING BALANCES:**

Available Balance is N/A

Spending Limit Balance is N/A

Account Balance is \$0.00

*False*

Signature

*Exhibit  
"D"*